



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shari'ah and Law
Semester III, 2014/2015 Academic Session

Final Examination Question Paper

Course Code : LB 3307
Course Name : Family Law
**Course Level : Bachelor of Laws (LL.B) &
Bachelor of Shari'ah Law (BSL)**
Time : 3 hours

Notes:

1. Answer any **four** of the following questions.
2. All answers, wherever, relevant, must be supported by statutory provisions and case law.

QUESTION 1 (15 Marks)

a) Explain the concept of marriage in Islam, Hinduism and Christianity. What are main differences among them?

(6 marks)

b) Discuss the main features of Chinese marriage with reference to Brunei Darussalam?

(9 marks)

QUESTION 2 (15 marks)

“A non-Muslim marriage in Brunei Darussalam can be dissolved by a court, if it has broken down irretrievably”.

In the light of this statement, explain how far adultery and unreasonable behavior of one spouse reflect irretrievable break down of marriage.

QUESTION 3 (15 marks)

a) “Desertion is not a withdrawal from a place but from a state of things”.

Explain the elements and types of desertion with reference to the above statement.

(8 marks)

b) Mr Lee and Madam Fong married in 2013. From the day of marriage, Madam Fong was crazy to get the love and affection of her husband Mr Lee. With that view in mind she consulted a Bomoh who gave her some powder to be administered to Mr Lee by mixing it in a glass of water. Madam Fong administered the same to Mr Lee which resulted in his getting seriously ill. Mr Lee suffered from slow fever, giddiness and ultimately got a nervous breakdown with vomiting, loss of weight, abdominal burning, backache and various other complications. Mr Lee had to be admitted to the hospital where he remained for some time. During entire period of Mr Lee's illness, Fong was in attendance on him, day and night, like a dutiful Chinese wife. Recently Madam Fong informed Mr Lee about the reason of his illness. She repented her conduct and her eyes were constantly wet with tears.

Mr Lee wants now to divorce Madam Fong. Advise Mr Lee.

(7 marks)

QUESTION 4 (15 marks)

a) "While appointing a guardian for an infant, the first and paramount consideration for the court is the welfare of the infant".

Discuss and illustrate this statement with reference to Brunei Darussalam.

(8 marks)

b) John and Lucy married in 2008 in Bandar. By 2011, two sons were born to them. However, one day Lucy left John and her two sons for another man. John tried his best to bring Lucy back to home but she did not come back. In 2014, John married again. The stepmother was anxious to make a home for the two boys and bring them up as one family. On learning about John's remarriage, Lucy has filed an application before the court for custody of her sons. It is relevant to mention that from 2011 to 2014, Lucy never went to see her sons and the other man in her life has also left her after settling B\$ 1 million in her favour.

Advise John as to his rights in relation to custody of children.

(7 marks)

QUESTION 5 (15 marks)

a) "The law obligates a husband to maintain his wife; there is no reciprocal duty for wife to maintain her husband".

Explain this statement with reference to Married Women Act, 1999.

(8 marks)

b) Explain the capacities of a married women.

(7 marks)

QUESTION 6 (15 marks)

a) Define “Adoption”. What restrictions are recognized by law in relation to “Adoption Order”?

(8 marks)

b) “An order to exclude one spouse or the other from the matrimonial home is a drastic order. It ought not to be made unless it is proved to be impossible for them to live together in the same house”.

Discuss this statement with reference to law relating to domestic violence in Brunei Darussalam.

(7 marks)

بالتوفيق والنجاح